

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

DZ BANK AG DEUTSCHE
ZENTRAL-GENOSSENSCHAFTSBANK,
a German banking cooperative,

Plaintiff,

V.

HAGOP N. KAZIZIAN, H.N. KAZIZIAN
INSURANCE AGENCY, L.P., and MILTON
CLERC,

Defendants.

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CIVIL ACTION NO. 3:10-cv-64

**FINAL JUDGMENT AGAINST DEFENDANTS HAGOP N. KAZIZIAN
AND H.N. KAZIZIAN INSURANCE AGENCY, L.P.**

CAME ON FOR CONSIDERATION, on May 17, 2010, the *Request to Clerk to Enter Default as to Defendants Hagop N. Kazizian and H.N. Kazizian Insurance Agency, L.P.* (the “Request”) and on the date hereof, *Plaintiff’s Motion for Certification of Final Judgment Pursuant to Fed. R. Civ. P. 54(b) Against Hagop N. Kazizian and H.N. Kazizian Insurance Agency, L.P.* (the “Motion), both filed by Plaintiff DZ Bank AG Deutsche Zentral-Genossenschaftsbank (“DZ Bank”). The Court, having considered the pleadings, the supporting affidavits and attachments, and the other pleadings and papers on file, finds as follows:

1. Plaintiff DZ Bank (“DZ Bank”) appeared by and through its attorney of record in this proceeding.

2. Defendants Hagop N. Kazizian (“Kazizian”) and H.N. Kazizian Insurance Agency, L.P. (“KIA”) were lawfully served with summonses and the Complaint in this proceeding. Further, Kazizian and KIA had notice of the hearing on the Request on May 17, 2010. Kazizian and KIA have failed to appear and answer herein, and they did not appear at the hearing on the Request. Accordingly, Kazizian and KIA have wholly made default and the allegations set forth in *Plaintiff’s Original Complaint* have been admitted by Kazizian and KIA’s failure to answer. Therefore, all allegations contained in *Plaintiff’s Original Complaint* are hereby incorporated by reference as findings by this Court.

3. Defendants Kazizian and KIA are jointly liable to DZ Bank for the debt evidenced by the Note described in the Complaint.

4. DZ Bank is entitled to recover its reasonable attorneys’ fees spent in prosecuting this proceeding under both the relevant contractual agreements between DZ Bank and the Defendants and Tex. Civ. Prac. & Rem. Code § 38.001 *et seq.* DZ Bank presented evidence proving reasonable and necessary attorneys’ fees as set forth herein.

5. This decision is final and there is no just reason for delaying the entry of a final judgment and that a final judgment should therefore be entered against Defendants Kazizian and KIA. Among the factors considered by the Court in making this determination are:

- (a) the default judgment against Kazizian and KIA is final;
- (b) the judgment resolves all pending claims against Kazizian and KIA in this proceeding;
- (c) Kazizian and KIA are not necessary parties to the prosecution of DZ Bank’s remaining claims and causes of action in this proceeding; and

(d) Kazizian and KIA's failure to answer the Plaintiff's Original Complaint gives rise to questions about their ability to satisfy the judgment.

It is, therefore:

ORDERED, ADJUDGED AND DECREED that the Motion be, and is hereby, GRANTED; it is further

ORDERED, ADJUDGED AND DECREED that Plaintiff DZ Bank is entitled to recover from Defendants Hagop N. Kazizian and H.N. Kazizian Insurance Agency, L.P., jointly and severally, the sum of \$399,767.72; it is further

ORDERED, ADJUDGED AND DECREED that Plaintiff DZ Bank recover from Defendants Hagop N. Kazizian and H.N. Kazizian Insurance Agency, L.P., jointly and severally, attorneys' fees in the sum of \$4,350.00 for services rendered through the date hereof; it is further

ORDERED, ADJUDGED AND DECREED that the judgment herein rendered shall bear postjudgment interest on such sum at the applicable federal rate until paid in full; it is further

ORDERED, ADJUDGED AND DECREED that this is a final judgment as to Defendants Hagop N. Kazizian and H.N. Kazizian Insurance Agency, L.P., but that Plaintiff DZ Bank's remaining claims and causes of action against other defendants in this proceeding shall remain pending and are not terminated by this judgment, Fed. R. Civ. P. 54(b); it is further

ORDERED, ADJUDGED AND DECREED that all costs of court expended or incurred in this proceeding are adjudged against Defendants Kazizian and KIA and included in the amount of the judgment. All writs and processes for the enforcement and collection of this judgment or the costs of court may issue as necessary; it is further

ORDERED, ADJUDGED AND DECREED that Plaintiff DZ Bank is entitled to such other and further relief, in law and in equity, as is necessary to carry out the terms of this Judgment.

Signed this 20th day of May, 2010.



HON. KENNETH M. HOYT
UNITED STATES DISTRICT JUDGE

Order Prepared By:

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